

**National Response Plan and National Incident Management System Review and Revision Process
NRP Roles and Responsibilities Work Group Meeting, Day Two
Wednesday, February 07, 2007
1230-1700**

**Homeland Security Institute
2900 South Quincy, Arlington, VA 22206**

Executive Summary

Purpose

The purpose of this meeting was to ratify a final Work Group product that 1.) reviewed recommendations/determinations for any Work Group issues outstanding, 2.) provided group endorsement of the Work Group product to be sent to the writing team, and 3.) reflected the collective best judgment of all Work Group members.

Overview

The meeting began with introductory remarks by co-lead Curt Musgrave (FEMA). This included a review of the Work Group's objectives for the afternoon. Steve Sharro (FEMA) then spoke on behalf of the Writing Team to thank the Work Group for its efforts on NRP revision.

Results

The Work Group reviewed and discussed outstanding issues. It reached determination for recommendations on outstanding issues and provided final product endorsement to the following:

- Clarify the terminology for JFO, JFO Coordination Group, and the ICC so that it is consistent with the NIMS or clarify the terminology for JFO Coordination Group, JFO Coordination Staff, and JFO to conform to NIMS/ICS organizational structure and common terminology.
- Clarify JFO and Unified Command Roles and Responsibilities.
- Define/describe the JFO UC positions for all incidents.
- Clarify organizational structure for management of widespread national incidents or define/describe the AC and the positions managing multiple JFO Incident Management Teams
- Use of ESF Annex or other stakeholder resources under a Stafford Act declaration (employment of federal resources).
- Review the role of the PFO: define the authority of the PFO in the incident; define the responsibility of the PFO in the incident, clarify the relationships within the UC for the incident.
- Infrastructure Liaison Officer: Define Infrastructure Liaison Officer position and its roles and responsibilities.

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Plenary Session Minutes

This was the final meeting to review and discuss outstanding Roles and Responsibilities Work Group issues. This entailed meeting the Work Group's objective of ratifying a final product that:

- Integrates recommendations/determinations for any Work Group issues outstanding;
- Provides group endorsement of Work Group product to be sent to the writing team;
- Reflects the collective best judgment of all Work Group members.

Review and Discussion of Outstanding Work Group Issues

There followed a discussion of outstanding Work Group issues by subgroup. The subgroup leads presented their specific issues and resolutions. The Work Group then entered into discussion about each issue and provided final product endorsement.

Before the discussion began, there was a question as to whether all of the Work Group's issue resolutions would go under outside review before it went straight to public comment. The Working Group acknowledged that it would make sense to do so, and that this would be done if there were enough time to do a thorough review of these resolutions.

Structures Subgroup (Bob Fenton):

Issue #1: Clarify the terminology for JFO, JFO Coordination Group, and the ICC so that it is consistent with the NIMS, or clarify the terminology for JFO Coordination Group, JFO Coordination Staff, and JFO to conform to NIMS/ICS organizational structure and common terminology.

Resolution:

- Discontinue use of the term Joint Field Office (JFO) Coordination Group and use "JFO Unified Command";
- Discontinue use of term JFO Coordination Staff to "JFO Command Staff";
- Discontinue using term "Joint Field Office (JFO)" to describe the Command and Coordination Structure/Organization (Incident Management Team) located at the JFO.

Discussion:

- Alternate resolutions (Bob Fenton's group) will be provided.
- Recommended that the term "Joint Command Post" be used instead of JFO in order to be consistent with ICS.
- The language of the resolution should be modified to address the concern that the JFO is not only and Incident Command Post or a MAC Group.
- Recommended that the wording of the resolution be changed to clarify that Federal entities may not necessarily integrate into the JFO structure – they may be a part of the State or local Incident Command Post.
- Recommended that the NRP should define its use of the term "Unified Command" in order to avoid confusion with the DoD interpretation.
- Advised that Training should be made aware of this Resolution to include in curriculum.
- Flexibility must be allowed for State to elect to go into the Unified Command.

Final Endorsement: The Work Group endorsed this resolution with the following caveats:

- Structures subgroup to modify the resolution according to the above discussion;
- Structures subgroup will provide alternate resolutions.

Issue #2: Clarify JFO and Unified Command Roles and Responsibilities

Resolution:

- Replace the NRP term “JFO Coordination Group” with the NIMCS/ICS term “JFO Unified Command” and utilize the ICS organization with an all threat/risk/hazard incident management focus;
- The JFO Unified Command will set incident priorities and assign resources utilizing the mission assignment process, reimbursable agreements, or other, smaller, contractual mechanisms with private entities and government entities;
- Discontinue referring to the JFO Coordination Group and propose JFO Unified Command as a MAC Group;
- *Organization charts were provided.

Discussion:

- Does there need to be different organizational charts for different eventualities, or should there just be a scalable organization structure to span different incidents?
 - The rationale was stated as a hesitancy to make a distinction between natural disasters and terrorist incidents.
- In response to the above question, at the national level there should be a singular plan to generically show Unified Command with senior Federal, State, and other officials as required.
- Consider making different organization representations as annexes and having one generic organization chart in the base plan.
- There is an issue with span of control (9 boxes in Unified Command - number needs to be reduced); however, it was acknowledged that there are special (political) considerations that drive the addition of more boxes.
- Suggested that the diagram use dotted lines (denoting coordination) for some of the additional boxes (e.g. DCO) instead of showing them in the Unified Command where they appear to be taking orders from the Unified Command.
- Suggested that the ICS structure doesn't need to apply to JFO Unified Command (due to its lack of operational responsibilities).
- In opposition to the above comment, there are always operations going on in the JFO (entities with authority to handle specific missions).
 - At the same time there is a Federal resource coordination effort going on.
 - There have to be overarching concepts and principles to effectively manage incident operations.
- Suggestion for an alternate solution: for purposes of the NRP, define JFO Unified Command to be more reflective of actual JFO UC operations, specifically unity of effort, not necessarily just to be in line with NIMS.
- The JFO Unified Command is a combination of coordination and command functions.

Endorsement: WG endorsed this resolution with the following caveats:

- Merge some parts of Issues #1 and #2;
- Clarify JFO Unified Command to generally define what a Unified Command does at the JFO (coordination and command, unity of effort);

- Provide a generic chart of organizational structure.

Issue #3: Define/describe the JFO Unified Command positions for all incidents.

Resolution:

- If a JFO Unified Command (JFO-UC) is established for an event, the participants will vary by type of event such as a natural disaster, law enforcement, terrorism, pandemic, or cyber, etc. Regardless of the type of event, the composition of the UC structure will depend on such factors as:
 - Location of the incident
 - Type of incident,
 - Jurisdictions involved
 - Authorities involved.
- Designated agency officials participating in the UC represent different legal authorities and functional areas of responsibility and use a collaborative process to establish incident objectives and designate priorities to accomplish those objectives.
 - In many cases, the UC participants are established by statute, such as where the State Coordinating Officer is delegated incident management authority from a Governor or a Federal Coordinator Office is delegated incident management authority from the President.
 - In some situations the key players may decide that a single IC/Coordinating Officer may be the best approach.
- In general, the JFO-UC will consist of senior Federal, State, Tribal and local officials as appropriate.
 - For example, the JFO-UC may include a Senior Federal Law Enforcement Officer for a terrorist threat or incident, or a Senior Federal Official for incidents such as a major oil spill with multiple Federal agencies involved.
 - Such instances may or may not result in a Stafford Act declaration.
 - The makeup of the JFO-UC may also change as the incident progresses from the response phase through recovery.
- To be considered as a member of the JFO-UC, a representative's organization should:
 - Have legal jurisdiction/functional authority and responsibility on the incident (duration of assignment in JFO-UC is limited to length of statutory authority during incident);
 - Be impacted by the incident or response requirements;
 - Be specifically charged with commanding, coordinating, or managing a major aspect of the response;
 - Have the resources to support participation in the organization.
- Assisting and cooperating agencies contributing resources to the incident, but with no statutory responsibilities on the incident, should not function in JFO-UC.
 - Agency or organization representatives that are not part of the JFO-UC may provide support to the JFO-UC as Agency Representative role via the Command Staff Liaison Officer.
- The actual JFO-UC makeup for a specific incident will be determined on a case-by-case basis. Typically, the primary agency responsible for the incident will coordinate with stakeholders to determine the incident-specific makeup of the JFO-UC, taking into account:
 - The specifics of the incident;
 - Determinations outlined in existing response plans;
 - Decisions reached during the initial meeting of the JFO-UC.
- For example, under a presidentially-declared disaster for an incident confined to an incorporated city you may have a JFO-UC composed of a local representative, the State Coordinating Officer and the Federal Coordinating Officer.
 - In a similar way, a JFO-UC may be composed of Tribal and FCO leadership for an event confined within the boundaries of a Tribal jurisdiction.
 - These individuals will carry out the duties and responsibilities of the JFO-UC in accordance with their combined statutory authorities.

- The number of members in the JFO-UC should be kept to a minimum. To be most effective, the JFO-UC should not exceed five people.

Discussion:

- Eliminate last sentence in resolution to provide some flexibility. The idea is to keep the members of the JFO Unified Command to a minimum.

Endorsement: WG endorsed the resolution with the following modification:

- Eliminate the last sentence in the resolution.

Issue #4: Clarify organizational structure for management of widespread national incidents or Define/describe the Area Command and the positions managing multiple JFO Incident Management Teams (IMTs).

Resolution:

- The following reflects only the first few paragraphs of this issue resolution. Please see Structures Subgroup issue paper for full explanation. Organizational charts are also provided there:
 - The ICS system has a structure to manage multiple IMTs called Area Command.
 - Area Command is an expansion of the incident command function and defined in the National Response Plan (NRP) as “an organization established to:
 - Oversee the management of multiple incidents that are being handled by an Incident Command System organization;
 - To oversee the management of a very large incident that has multiple Incident Management Teams (IMT) assigned.
 - **Note:** A FEMA Emergency Response Team (ERT) is an IMT.
 - On a single disaster, multi-state Stafford Act event (such as Hurricane Katrina) the decision may be made to establish an Area Command to provide oversight to multiple JFO Unified Commands (JFO UC).
 - For example, if three states are involved there would be at least one JFO UC in each state.
 - In the interest of having a higher level command to provide oversight, set overarching objectives, set priorities, and allocate scarce resources between these three JFO UCs a Unified Area Command may be established.
 - An Area Command is established by the Agency/jurisdictional executives affected.
 - The organization should be kept relatively small, and would normally, at minimum, consist of the Principal Federal Official (which appears to be the most appropriate place for the PFO) and representatives from the affected states.
 - Other senior Federal, State, local, and tribal officials may be included as determined appropriate.
 - Local or tribal representatives would normally only be included if the incident was primarily within and limited to their area of jurisdiction.

Discussion:

- “Common Operating Picture” may be confused with NOC’s COP. Change term to “situational awareness.”
- Ensure that there is de-confliction between Assistant Area Commander, Logistics and NRCC roles.
 - Check with the NRCC working group to accomplish this.
- Change DRG to NRCC.
- Question: Who is going to pay for setting up JFO?
 - Answer: If President directs an agency to respond to an incident, that agency comes up with funds. If agency requests aid/coordination activities, the agency would request appropriations from Congress (or call on MOUs/MOAs with other agencies).
 - Answer: NRP has placeholder until someone comes up with good way to resolve this.
- Clarify differences between Incident Command and Area Command.

Endorsement: WG endorsed this resolution with the following caveats:

- Area Command should be considered for multi-state events and explained;
- Area Command as the most appropriate place for PFO;
- Include discussion of Area Command relationship to other agencies;
- Include diagram of Area Command;
- Insert “situational awareness” wording; and
- De-conflict with NRCC.

Issue #5: Use of ESF, Annexes, or other stakeholder resources under a Stafford Act declaration (employment of federal resources).

Resolution:

- Most times the ESF, Annex or other stakeholder lead representatives to the JFO Unified Command will be assigned as Agency Representatives under the Liaison Officer and will coordinate resources as requested, which will then be assigned as needed through the Incident Command System (ICS) incident action planning process.
 - ESF resources may be assigned anywhere within the JFO Unified Command structure, as outlined below: (The above is only the first paragraph of this issue resolution. Please see Structures Subgroup issue paper for full explanation.)

Discussion:

- Question: Are state representatives part of agency reps?
 - Answer: Yes, could also be Tribal, NGO, etc.
- Unified Command should include agency reps who understand what agency is doing to participate in an incident, not just agencies directly involved.
 - All agencies have to be brought in for some unity of effort, even those not part of incident management effort, operating under their own authority.
- Question: What if they are not signatories to NRP?
 - Answer: Reword/clarify resolution to state that all federal agencies in area are encouraged to identify what they are doing in the area, even if they are not part of formal incident management efforts – possible alternate solution.
- Eliminate ESF from list of resources deployed to incident (under ESF Resources)?
- Question: What is ESF's role in UC structure?
 - Answer: Agency may have liaison role as well as role at the operational level.

Endorsement: WG endorses resolution with the following caveats:

- Provide diagram of ESF's place in Unified Command organization;
- Change resolution to reflect desire to integrate resources (Federal agencies – ESFs, State, local, private, NGO) into NIMS-compliant JFO organization structure;
- Include stronger language to encourage Federal agencies operating in the area to report in to JFO.
- *EPA reserves right to non-concur with this resolution until EPA comes to final decision.

Positions Subgroup (Alan Cohn):

Issue #1: Review the role of the PFO: define the authority of the PFO in the incident; define the responsibility of the PFO in the incident, clarify the relationships within the Unified Command for the incident.

Resolution:

- The Secretary, as principal Federal official for domestic incident management, has the authority to coordinate overall Federal incident management activities across the spectrum of prevention, protection, response, and recovery, and facilitates Federal support to the JFO Unified Command(s) for the incident, pursuant to the Homeland Security Act of 2002 and HSPD-5.
- As such, the Secretary is the principal Federal official for the management of all domestic incidents unless he (or she) determines that a need exists for him (or her) to delegate this responsibility to another individual (the Principal Federal Official or PFO) for a particular incident.
- There is only one PFO for any particular incident.
 - The Secretary determines what constitutes an incident, when a single incident should be expanded to multiple incidents, and when multiple incidents should be consolidated into a single incident.
 - The Secretary may appoint however many Deputy PFOs as he (or she) deems necessary to preserve span of control for a particular incident, but all report to the PFO for the incident.
 - The positions of National PFO and National Incident Coordinator should not exist as separate positions from the PFO; rather, there is either the Secretary of Homeland Security or a PFO, with as many Deputy PFOs as the Secretary deems necessary to preserve span of control, based from whatever location(s) the Secretary (together with the PFO) deem appropriate.
- In the event that the Secretary appoints an individual to serve as the PFO for an incident, that person acts pursuant to the delegation of the Secretary's authorities under the Homeland Security Act of 2002 and HSPD-5 for that incident.
- The PFO, when appointed, represents the Secretary of Homeland Security as the principal Federal official for domestic incident management pursuant to the Homeland Security Act of 2002 and HSPD-5 for a particular incident. Specifically, the PFO:
 - Ensures overall strategic coordination of resources for the incident, including adjudication of issues when the senior officials assigned to or involved in the incident (the JFO Unified Command(s)) are unable to adjudicate those issues on their own, and coordination among the senior Federal officials assigned to or involved in the incident, the Governor(s) of the affected State(s), and the chief elected executives of the territorial, tribal, or local governments;
 - Ensures overall strategic coordination among all aspects of the incident, as necessary, including ensuring integration and coordination among the prevention, protection, response, and recovery aspects of the incident;
 - Ensures overall consistency of Federal interagency communications to the public for the incident, and assists the senior Federal officials assigned to or involved in the incident (the FCO, SFLEO, and SFOs, as appropriate – the Federal officials in the JFO Unified Command(s)) by serving as the primary, although not exclusive, point of contact for senior elected officials, private sector and other affected parties' officials, the media, and the public;
 - Communicates directly with the Secretary of Homeland Security, as necessary;
 - Coordinates with the JFO Unified Command(s) for the JFO(s) established for the incident and participates in the JFO Unified Command(s) as necessary to fulfill his or her responsibilities;
 - Participates in preparedness efforts as appropriate when appointed for a threat incident or NSSE, or in anticipation of an incident.
- Once formally designated for an incident, the PFO is expected to focus full attention on his or her PFO responsibilities.
 - PFOs typically are not "dual-hatted" with any other roles and responsibilities that could detract from their overall incident management responsibilities.

- However, the Secretary may choose to assign PFO responsibilities to another senior Federal official to help ensure synchronized Federal coordination depending on the circumstances of the incident.
- If named, the PFO does not direct or replace the incident command structure established at the incident, and does not have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.

Discussion:

- Focus should be on protection of CI/KR as it falls within immediate recovery actions.
- Define overall strategic coordination of resources.
- PFOs be used infrequently; for most part, should rely on FCO, SFO, SFLEO, etc.
 - When you do appoint PFO, it should be for coordination that you don't normally get in certain situations.
- Consider that PFO be eliminated as a position.
 - This will be considered as possible alternative solution.

Endorsement: WG endorsed this resolution with following caveats:

- Consider discussion that CI/KR protections be considered as it falls within immediate recovery actions;
- Define overall strategic coordination of resources;
- Clarify that PFOs be used infrequently;
- Consider possible alternative solution that PFO be eliminated as a position.

Issue #2: Infrastructure Liaison Officer (ILO): Define ILO position, roles and responsibilities

Resolution:

- Change name from "Infrastructure Liaison" to "Infrastructure Advisor;"
- Definition of Infrastructure Advisor (Please see Positions Subgroup issue paper for full explanation);
- Roles and responsibilities of the Infrastructure Advisor (Please see Positions Subgroup issue paper for full explanation);
- Infrastructure Specialists may be appointed into the JFO sections and branches as necessary.

Discussion:

- Regarding sector-specific CI/KR issues with regional or national implications – sector-specific agency rep may be better suited to advising the JFO UC and the PFO than Infrastructure Advisor.
- If sector-specific agency rep is available, then it is their (sector-specific agency rep) role to advise JFO UC and PFO on sector-specific CI/KR issues.

Endorsement: WG endorsed this resolution